

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 08-01743 WHA

Plaintiff,

v.

**ORDER RE SENTENCING  
COMMISSION**

SADELL CONRAD,

Defendant.


Defendant Sadell Conrad has filed a motion pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. No. 1). The motion requests a sentence reduction due to the recent action by the Sentencing Commission. This motion should not have been filed as an opening pleading in a new civil case; it should have been filed in the original criminal case, CR 05-00595 WHA. This order requests that the motion for a reduction of sentence be **RE-FILED** in the earlier criminal action. In addition, defendant Conrad's request for appointment of counsel is deemed **MOOT** because his defense counsel from the earlier criminal case is responsible for helping him address the motion for sentence reduction.

Both sides should submit memoranda on their positions, with authorities and argument, by **THURSDAY, JULY 10, 2008**, with a hearing to be held on **TUESDAY, JULY 15, 2008 AT 2:00 PM**. The memoranda should also address whether the defendant needs to be present at the hearing. If so, counsel shall submit the necessary paperwork. The probation officer should submit its recommendation on **THURSDAY, JULY 10, 2008**, as well. Defense counsel should consult with the defendant before filing the memorandum.

1 This order also notes that defendant Conrad has filed a petition for a writ of habeas  
2 corpus in the instant action (Dkt. No. 3). Under “grounds for relief,” Conrad wrote, “Under the  
3 two level reduction I feel my sentence should be reduce [sic]. I was arrested for more than 5  
4 grams less than 20s” (*ibid.*). The petition appears to be an incorrectly-filed motion for a  
5 reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2). Defense counsel should inform the  
6 Court by **THURSDAY, JUNE 26, 2008**, whether this filing is an independent petition for habeas  
7 corpus or if it is an incorrect duplication of the motion for sentence reduction (in which case the  
8 civil case should be closed).

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10 **IT IS SO ORDERED.**

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12 Dated: June 20, 2008.

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15 WILLIAM ALSUP  
16 UNITED STATES DISTRICT JUDGE  
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